

**UNITED STATE BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	)	
	)	
	)	Chapter 13
Eugene Driscoll and	)	
Bonnie Driscoll	)	
Debtors	)	10-48774
	)	
	)	Judge Barry Schermer
	)	

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that the motion of Eugene Driscoll and Bonnie Driscoll, is seeking to allow a late filed claim which was filed on April 23, 2011 in bankruptcy case #10-48774. And will be called for hearing before the Honorable Barry Schermer, Thomas Eagleton Building (U.S. Courthouse), 111 South Tenth Street, Courtroom 5 North, St. Louis, MO on an expedited motion on May 18, 2011 **at 10:00 a.m.**

**PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION TO THE THIS MOTION /PLEADING MUST BE FILED IN WRITING NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF SERVICE OF THIS MOTION/PLEADING AS SHOWN ON THE CERTIFICATE OF SERVICE. THE RESPONSE MUST BE IMMEDIATELY SERVED UPON THE UNDERSIGNED AND UPON ALL ENTITIES DESCRIBED IN L.B.R. 9013-A. THE COURT MAY GRANT THE MOTION/PLEADING WITHOUT FURTHER NOTICE TO ANY PARTY UPON EXPIRATION OF THE RESPONSE PERIOD IF NO RESPONSE IS FILED. IF A RESPONSE OR OBJECTION IS FILED, MOVANT, APPLICANT OR CLAIM OBJECTOR SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE THEREOF TO THE RESPONDENT AND ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A.**

**WARNING:** Any response or objection must be filed with the Court by, May 14, 2011. A Copy may be promptly served upon the undersigned. Failure to file a timely response may result in the Court granting the relief request prior to the hearing date.

**DEBTOR'S MOTION TO ALLOW LATE FILED CLAIM**

COMES NOW, Douglas M. Heagler, attorney for Debtor, and moves the court for permission to incur debt by entering into a contract to finance a vehicle and in support thereof states:

1. The Debtor's present chapter 13 case was filed on August 3, 2010.
2. Debtor's residence has a secured loan that appears to be held by Bank of America.
3. To properly complete their bankruptcy case with a current mortgage, Debtors need to have the any arrearages due to their mortgage holder paid through their bankruptcy case.
4. Debtors have filed claim #10 for the apparent holder of their mortgage with the court.

WHEREFORE, Debtor prays the Court grant this motion and allow claim #10 for the apparent holder of Debtors mortgage to be allowed.

Respectfully Submitted,

/s/ Douglas M. Heagler  
Douglas M. Heagler, #48952  
901 Boones Lick  
St. Charles, MO 63301  
636 278 2778

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I served a copy of this Notice along with the attached Document(s) upon the parties listed on the service list, by causing the same to be mailed in a properly addressed envelope, postage prepaid, on April 25, 2011.

/s/ Douglas M. Heagler.  
Douglas M. Heagler, #48952  
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Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, MO 63143

Office of the U. S. Trustee  
111 S.10<sup>th</sup> St. Ste 6353  
St. Louis, MO 63105

Eugene and Bonnie Driscoll  
529 Emmons Ave  
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